

MARYLAND ACCESSIBILITY CODE WAIVER REQUEST FORM

The Department (DHCD) has no authority to waive requirements imposed by federal law and may exercise its waiver authority only when the Maryland Accessibility Code is more restrictive than federal law.

Where strict compliance with the Maryland Accessibility Code may cause undue hardship because of the nature of use, occupancy or other factors, a waiver from such requirement may be requested.

STOP: You must check one or more of the items listed below for a waiver request to be reviewed for consideration. A request for waiver cannot be processed unless it concerns a Maryland Accessibility Code requirement that is more restrictive than federal law.

- ☐ a. Existing multi-family dwellings, i.e., existing buildings of four or more dwelling units.
- ☐ b. Building and facilities used or owned by religious organizations.
- ☐ c. Buildings and facilities used or owned by private clubs.
- ☐ d. The second story of a two-story building (other than State and local government buildings) if the gross floor area of the second story exceeds 4,000 square feet.
- ☐ e. Mezzanine(s) in a two-story building (other than State and local government buildings) if the combined gross floor area of the mezzanine(s) exceeds 4,000 square feet.
- ☐ f. Minimum dimensions of 48" in width required for a toilet stall in alteration work.

INSTRUCTIONS: STOP: Do not proceed unless you have checked an item above.

- A. Once you have checked one or more of the more restrictive Maryland items listed above, a written waiver request form and supporting documents shall be submitted in triplicate to the Director, Maryland Codes Administration, Department of Housing and Community Development (3 letters and/or 3 waiver request forms, 3 sets drawings, photographs, etc.), see note.

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NOTE: Submit four copies of all information where your request pertains to State, local government, and/or historic buildings and facilities, including public transit facilities.

- B. Maryland Codes Administration will review the documents submitted for completeness. The applicant will be contacted promptly to request additional information needed to process the request. When there is a lack of information or drawing detail, your waiver request may be delayed and require additional steps to process.

Listed below are examples of documentation that that may be submitted:

Check as appropriate (information being submitted):

_____site plan

_____site plan indicating (grade, access route, etc.)

_____parking lot plan indicating accessible parking

_____building floor plan(s) (indicate scale)--a pencil sketch is acceptable

_____elevations (exterior views) of building(s)

_____photograph(s) of area(s) relevant to your request for waiver

_____height of building entrance(s) above grade = _____

_____sections indicating floor elevations

_____interior dimensions of _____bathrooms _____halls

_____door schedule_____

_____clear width of doorways

_____hardware schedule_____

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C. Please complete the entire form (type or print). If the item is not applicable, write N/A.

1. Date: _____
2. Your name: _____
Company: _____
Address: _____
Telephone _____ FAX _____
3. Project Name: _____
Address: _____
4. Your interest in this project:
Owner _____ Architect _____ Builder _____ Engineer _____ Other _____
5. Intended use of building _____

Current use of building

6. New construction _____ Addition _____ Alteration _____ Change of use _____
7. Number of stories _____ Above grade _____ Below grade _____
8. Year the original building was constructed: _____
9. Is building historic or in an historic district?

Yes _____ No _____ Where registered: _____
10. Waiver discussed with local building department?

Yes _____ No _____ Date _____ (see item #14)
11. List each item separately (be specific). I hereby request a waiver from the requirement(s) of the Maryland Accessibility Code for the following:

Item #1. _____

Item #2. _____

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12. Additional documentation submitted to support this request includes:

13. Waiver shall be granted or denied based upon factors such as, but not limited to:

- (a) Feasibility hardship due to unusual building or site conditions which prevent the construction of access facilities as described in the supporting documentation, such as plans, sketches, and site drawings provided for clarification by the applicant;
- (b) financial hardship when the cost of compliance is disproportionate to the cost of construction if the applicant has provided financial statements; or
- (c) the information supplied by the designated disability advisory group, State and local government officials, and for historic properties by the State historic preservation officer or the officer's designee.
- (d) The investigation may include a site visit by a State official, local government official, designated disability advisory group, and for historic properties the State historic preservation officer or the officer's designee.

14. This waiver request is based upon action of the local jurisdiction.

Permit Denied _____
Date Name of Building Official

Phone #: _____ Department: _____

Explain: _____

_____ Copy of denial attached

15. The spirit and intent of the Code may be met by an alternate means of compliance. (Explain, listing separately, each item for which a waiver is requested.)

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16. Waiver request form completed by:

Signed: _____

Date _____

Print name: _____

Phone# _____

(Please use additional paper as needed.)

Submit all information in triplicate (or as indicated under instructions in Section A).

wvrreq.doc

August 3, 2000

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